

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 230685

12
ORIGIN L-03

INFO OCT-01 EA-07 ISO-00 JUSE-00 CIAE-00 INR-07 NSAE-00

SS-15 NSC-05 /038 R

DRAFTED BY L/EA:PNORTON
APPROVED BY L/EA:EVERVILLE

EA/PHL BFLECK
----- 015670

R 262325Z SEP 75
FM SECSTATE WASHDC
TO AMEMBASSY MANILA

LIMITED OFFICIAL USE STATE 230685

E.O. 11652: N/A

TAGS: PGOV, PINS, RP

SUBJECT: LIBEL ACTION AGAINST PRESIDENT MARCOS, ET AL

REF: MANILA 12475

1. SOLICITOR GENERAL MENDOZA MET WITH LEGAL ADVISER LEIGH AGAIN ON THURSDAY, SEPT. 25. LEIGH INFORMED MENDOZA THAT DEPARTMENT WOULD SEND LETTER TO JUSTICE DEPARTMENT FOR TRANSMISSION TO FEDERAL COURT IN SAN FRANCISCO SUGGESTING IMMUNITY FROM SUIT FOR MARCOS. THIS WOULD BE DONE IMMEDIATELY IN RECOGNITION OF MARCOS' POSITION AS HEAD OF STATE, RATHER THAN WAITING IN ACCORDANCE WITH NORMAL PROCEDURES FOR SERVICE OF PROCESS AND PLEA OF IMMUNITY IN COURT BY LOCAL COUNSEL.

2. LEIGH ADVISED MENDOZA THAT STATUS OF OTHER PHILIPPINE DEFENDANTS WAS DIFFERENT. COUNSEL GENERAL ALCONCEL'S AMENABILITY TO SUIT GOVERNED BY VIENNA CONVENTION ON CONSULAR RELATIONS. NORMAL PRACTICE UNDER CONVENTION WOULD REQUIRE ALCONCEL TO PLEAD IN COURT THAT HIS ACTS

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 230685

WERE OFFICIAL ACTS AND IMMUNE THEREBY.

3. OTHER PHILIPPINE DEFENDANTS, LEIGH CONTINUED, WERE NOT THOUGHT TO ENJOY PERSONAL IMMUNITY, BUT COULD ENTER A PLEA OF SOVEREIGN IMMUNITY ACCORDING TO NORMAL PROCEDURES.

LEIGH INDICATED THAT IF THE OCCASION AROSE DEPARTMENT WOULD THEN ENTERTAIN A REQUEST FOR SUCH IMMUNITY ACCORDING TO ITS NORMAL PRACTICE.

4. LEIGH SAID WE DID NOT EXPECT THAT SOVEREIGN OR CONSULAR IMMUNITY ISSUES FOR OTHER DEFENDANTS WOULD IN FACT ARISE BECAUSE IT SEEMED SO UNLIKELY THAT SERVICE OF PROCESS WOULD BE MADE ON ANY OF THEM. MENDOZA REMARKED THAT ONLY UNDERSECRETARY INGLES WAS LIKELY TO TRAVEL IN THE U.S., BUT THAT HE WOULD BE DOING SO ON DIPLOMATIC MISSIONS WITH DIPLOMATIC PASSPORT. LEIGH NOTED THAT U.S. LAW DOES NOT PERMIT SERVICE ON A PERSON TRAVELLING IN THAT CAPACITY.

5. MENDOZA SEEMED PLEASED WITH RESOLUTION OF ISSUE AND EAGER TO HAVE DOCUMENTS IN HAND FOR RETURN TO MANILA. LEIGH INFORMED HIM THAT LETTER TO JUSTICE WOULD GO OUT BY MONDAY, AND THAT REPLY NOTE TO PHIL EMBASSY WITH COPY OF LETTER ATTACHED WOULD GO OUT SAME TIME. MENDOZA SAID HE WOULD AWAIT DOCUMENTS BEFORE GOING HOME. KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC PRIVILEGES, COURTS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: RowellE0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE230685
Document Source: CORE
Document Unique ID: 00
Drafter: PNORTON
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750336-0045
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750911/aaaaajms.tel
Line Count: 86
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 MANILA 12475
Review Action: RELEASED, APPROVED
Review Authority: RowellE0
Review Comment: n/a
Review Content Flags:
Review Date: 10 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 APR 2003 by ShawDG>; APPROVED <20 NOV 2003 by RowellE0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LIBEL ACTION AGAINST PRESIDENT MARCOS, ET AL
TAGS: PGOV, PINS, RP, US, (MARCOS, FERDINAND), (MENDOZA), (LEIGH)
To: MANILA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006